

FEDERAL COMMUNITY DEFENDER

EASTERN DISTRICT OF MICHIGAN

613 Abbott St., 5th Floor

Detroit, MI 48226

Telephone: (313) 967-5542 ▪ Fax: (313) 962-0685

MICHAEL CARTER
Executive Director

DANIEL S. DENA
Assistant Defender

(313) 967-5834

VIA ECF

Hon. Matthew F. Leitman
Federal Building and U.S Courthouse
600 Church Street, Room 125
Flint, MI 48502

NOTICE OF SUPPLEMENTAL AUTHORITY

Re: *United States v. Bonner*, Cr. No. 16-20055

Dear Judge Leitman:

It is essential to highlight the risk Mr. Bonner still faces, even though he has already contracted COVID-19 once. For one, BOP recently reported a confirmed case of reinfection leading to death within its facilities.¹ Where Mr. Bonner suffers from conditions that the CDC says increases Mr. Bonner's risk of serious injury or even death, it is prudent to release Mr. Bonner before he, too, contracts COVID-19 a second time.

Any assertions that Mr. Bonner has "recovered" are a distraction from the long-lasting and still unknown consequences of contracting COVID-19. The ninth person to die at FCI Terminal Island was declared to be "recovered" and then, two weeks later, died.²

¹ See Press Release, Inmate Death at FCI Butner (Low), U.S. Dep't of Justice Federal Bureau of Prisons (Sept. 17, 2020), https://www.bop.gov/resources/news/pdfs/20200917_press_release_bux.pdf ("On Monday, June 1, 2020, inmate Ricky Lynn Miller tested positive for COVID-19. On Monday, July 6, 2020, Mr. Miller tested negative for COVID-19 On Wednesday, September 16, 2020, Mr. Miller tested positive for COVID-19 at the outside hospital.")

² See Richard Winton, *Inmate labeled as 'recovered' from coronavirus dies at Terminal Island*, L.A. Times, May 28, 2020, <https://www.latimes.com/california/story/2020-05-28/ninth-inmate-dies-coronavirus-terminal-island-prison>; see also BOP, *Inmate Death at the FCI Terminal Island*, May 27, 2020, https://www.bop.gov/resources/news/pdfs/20200527_press_release_trm.pdf.

As one doctor explains, “The possibility of reinfection is certainly real.” That doctor explains that “he has cared for a ‘number of patients’ who suffer only mild initial infections, get better and actually test negative for the virus before experiencing a recurrence of symptoms. The intensity can be worse the second time, he says.”³ That’s consistent with other similar viruses, as “repeat infections in a short period are a feature of many viruses, including other coronaviruses.”⁴ It’s also consistent with studies finding that COVID-19 “antibodies faded quickly—after just eight weeks—in both asymptomatic and symptomatic people.”⁵ As a result of these “disturbing new revelations that permanent immunity to the coronavirus may not be possible,” at least some scientists have decided “to focus exclusively on treatments,” rather than “vaccine development.”⁶

Respectfully Submitted,
FEDERAL COMMUNITY DEFENDER

s/ Daniel S. Dena
Attorney for Defendant
613 Abbott Street, 5th Floor
Detroit, Michigan 48226
313-967-5834
E-mail: Daniel_Dena@fd.org

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³ John Cabon, *Can you get infected with COVID-19 twice?*, USA Today, July 16, 2020, <https://www.usatoday.com/story/news/health/2020/07/16/covid-19-can-you-get-infected-twice-herd-immunity/5429012002/>

⁴ D. Clay Ackerley, *My patient caught COVID-19 twice. So long to herd immunity hopes?*, Vox, July 12, 2020, <https://www.vox.com/2020/7/12/21321653/getting-covid-19-twice-reinfection-antibody-herd-immunity>

⁵ Shantum Misra, *Can you get COVID-19 twice? What the experts say*, ABC News, July 15, 2020, <https://abcnews.go.com/Health/covid-19-experts/story?id=71792664>.

⁶ Peter Fimrite, *With coronavirus antibodies fading fast, vaccine hopes fade, too*, S.F. Chronicle, July 17, 2020, <https://www.sfchronicle.com/health/article/Withcoronavirus-antibodies-fading-fast-focus-15414533.php>.